

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8

9
10 UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

11 Plaintiff,

12 v.

13 MORIS FLORES, *et al.*

14 Defendants.
15 _____/

**ORDER RE DEFENDANT FLORES'
EX PARTE APPLICATION FOR
DISCLOSURE OF FURTHER
INFORMATION FROM SFPD
MARQUEZ HOMICIDE FILE**

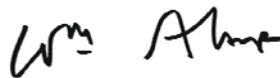
16 On May 17, the Court turned over to counsel for defendant Moris Flores all records
17 received from the SFPD in response his subpoena for materials related to the homicide of Brian
18 Marquez. The Court, however, redacted all identifying information of witnesses and personal
19 information implicating privacy concerns (dates of birth, addresses, phone numbers) prior to
20 producing the records and specified that any request for production of unredacted material must
21 specify what material is sought to be unredacted and articulate good cause.

22 Defendant Flores now moves for: (1) witness identifying information redactions to be
23 removed; and (2) the production of additional material. The SFPD shall have until **FRIDAY,**
24 **JUNE 3 AT 5 P.M.** to respond to defendant Flores' motion. If no response is received from the
25 SFPD, records with witness identifying information will be turned over to counsel for defendant
26 Flores, subject to protective order. If the SFPD opposes the motion, defendant Flores will have
27 until **TUESDAY, JUNE 7 AT 5 P.M.** to file a response. Oral argument on the motion will be heard
28 on **WEDNESDAY, JUNE 8 AT 1 P.M.**

1 Defendant Flores' motion and the supporting declarations shall be filed *ex parte* and
2 under seal as the documents contain protected material and material produced *ex parte* to
3 counsel. There is no need, however, for this order to be filed under seal or *ex parte*, as it does
4 not reference any substantive material not already in the public record. Nor do the national or
5 local rules or the Sixth Amendment prohibit the SFPD from sharing the motion with the
6 government, especially given that it is a follow-on motion to a publicly filed motion (Dkt. No.
7 4122).

8
9 **IT IS SO ORDERED.**

10
11 Dated: May 31, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE